

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**MICHAEL DAVID CRIDER (1)**

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**CASE NO. 6:22-CR-00077-JDK-KNM**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**


Before the Court is Defendant's Motion to Withdraw Guilty Plea Pursuant to FRCP 11(d)(2)(A). Docket No. 52. On August 25, 2023, the Magistrate Judge issued a Report and Recommendation recommending that the motion be granted. Docket No. 58. No written objections have been filed.

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5<sup>th</sup> Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, the parties did not file objections. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and her conclusions to determine if they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5<sup>th</sup> Cir. 1989), *cert. denied*, 492 U.S. 916 (1989) (holding that the standard of review is "clearly erroneous, abuse of discretion and contrary to law" if no objections to a Magistrate Judge's Report are filed).

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Therefore, the Court adopts the Report and Recommendation of the United States Magistrate Judge as the findings of this Court.

Accordingly, the Magistrate Judge's Report (Docket No. 58) is **ADOPTED**. Defendant's Motion to Withdraw Guilty Plea Pursuant to FRCP 11(d)(2)(A) (Docket No. 52) is **GRANTED**. Defendant's plea of guilty to Count One of the Indictment is **WITHDRAWN**.

So **ORDERED** and **SIGNED** this **11th** day of **September, 2023**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE